

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DEBORAH A. DAWSON

Plaintiff,

vs.

PORTFOLIO RECOVERY ASSOCIATES,
LLC

Defendants.

CIVIL ACTION NO.: 13-10017

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1332 1441 and 1446, the defendant, Portfolio Recovery Associates, LLC (“PRA”), hereby removes to this Court the above-entitled action based upon the following supporting grounds:

1. On or about November 30, 2012, an action (“the Complaint”) was commenced against the above-named defendants in the Superior Court for the Commonwealth of Massachusetts, Suffolk County, captioned *Deborah A. Dawson v. Portfolio Recovery Associates, LLC*, Civil Action No. 12-4341.

2. On or about December 11, 2012, PRA was served with a copy of the Complaint. A copy of the Complaint and service upon PRA is attached as Exhibit A.

3. Removal is timely under 28 U.S.C. § 1446(b), as thirty (30) days have not elapsed since PRA first received a copy of the Complaint.

4. The plaintiff, Deborah Dawson (“Plaintiff”), is an individual residing at 110 Alden Street, Dedham, Massachusetts.

5. PRA is a Delaware corporation with a principal place of business located in Norfolk, Virginia.

6. The defendants and the plaintiffs are citizens of different states and are thus completely diverse within the meaning of Title 28 U.S.C. §1332.

7. The amount in controversy, exclusive of interest and costs, exceeds \$75,000.00. Specifically, Plaintiff is seeking recovery of approximately \$80,000. (*See* Ex. A)

8. Accordingly, this Court has jurisdiction over this civil action based upon diversity of citizenship, and the amount in controversy under 28 U.S.C. §§ 1332, 1441, and 1446.

9. Plaintiff's Complaint purports to state a claim under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.* and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

10. 15 U.S.C. § 1681 *et seq.* is a Federal statute which provides, among other things, that a consumer can file a civil action when furnishers of credit information improperly report that information to consumer credit reporting agencies. 15 U.S.C. § 1692 *et seq.* is a Federal statute which provides, among other things, that a consumer can file a civil action against a debt collector for violations as specified in the statute.

11. Pursuant to 28 U.S.C. § 1331, the Court has original jurisdiction over this matter as the Plaintiff's claims under 15 U.S.C. §§ 1681 and 1692 arise under the laws of the United States. Additionally, this Court also has supplemental jurisdiction over all other related claims pursuant to 28 U.S.C. § 1367(a). Plaintiff's state law claims do not raise novel or complex issues of State law or otherwise predominate over Plaintiff's claims under the FCRA and FDCPA.

12. Removal of this action to this Court is permissible under the provisions of 28 U.S.C. § 1441 in that it is a civil action founded on a claim or right arising under the laws of the

United States. Furthermore, the state causes of action are so related to the claims under 15 U.S.C. §§ 1681 and 1692, that they form part of the same case or controversy under Article III of the United States Constitution.

13. In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this removal notice will be given to Plaintiff and will be filed with the Clerk of the Suffolk County Superior Court of the Commonwealth of Massachusetts following the filing of this notice.

14. In submitting this Notice of Removal, PRA reserves all defenses, including lack of personal jurisdiction.

WHEREFORE, Defendant, Portfolio Recovery Associates, LLC hereby removes this action from the Superior Court for the Commonwealth of Massachusetts, Suffolk County to the United States District Court for the District Of Massachusetts.

Respectfully submitted,
PORTFOLIO RECOVERY ASSOCIATES, INC.
By Its Attorneys,

/s/ Ranen S. Schechner

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Date: January 3, 2013

CERTIFICATE OF SERVICE

I, Ranen S. Schechner, hereby certify that on this 3rd day of January, 2013, I served a true and accurate copy of the foregoing document to counsel of record via first class mail as follows:

Max Weinstein, Esq.
122 Boylston Street
Jamaica Plain, MA 02130

/s/ Ranen S. Schechner

Ranen S. Schechner